

- Group IV: Claims 10-14, 16-19 and 25, drawn to a composition comprising lipid-tailed polypeptide or peptide SEQ ID NO: 1;
- Group V: Claims 10-14, 16-19 and 25, drawn to a composition comprising lipid-tailed polypeptide or peptide SEQ ID NO: 2;
- Group VI: Claims 10-14, 16-19 and 25, drawn to a composition comprising lipid-tailed polypeptide or peptide SEQ ID NO: 3.

Applicants have elected Group IV, Claims 10-14, 16-19 and 25, with traverse.

Applicants wish to point out that the invention is not restricted to sequences contained in the examples, but rather the scope of this invention is based on all lipid-tailed polypeptides without adjuvant injected by mucosal administration for inducing a systemic immune response. Accordingly, there would be no basis for Restriction based on the SEQ ID number, and therefore, Groups I, II, and III can not be separated. In addition Groups IV, V, and VI can not be separated.

Further, the Office has not provided any reason to support a Restriction Requirement between Groups I, II, and III. In addition, the Office failed to provide a reason to support a Restriction Requirement between Groups IV, V, and VI.

MPEP §803 states as follows:

Examiners *must* provide reasons and/or examples to support conclusions, but need not cite documents to support the restriction requirement in most cases.

Accordingly, the Restriction Requirement is improper and should be withdrawn.

In regard to Groups IV-VI and I-III, the Office has characterized the relationship between these two groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the product as claimed can be used as an immunogen to make an antibody. However, the Office has not provided reasons and/or examples to support this conclusion. Further, the Office has failed to show that the proposed use of the claimed composition as an immunogen to make and antibody is materially different from the claimed

use. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants traverse the Restriction Requirement on the additional grounds that the Office has not shown that a burden exists in searching all the claims of the present application.

Moreover, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office, particularly in view of the fact that Groups I-III and Groups IV-VI are classified in the same subclasses (class 424, subclass 192.1 and class 520, subclass 359, respectively).

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Applicants respectfully submit that the above-identified application is now in
condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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